

**REMARKS**

Claims 21-40 are pending in this application. Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant respectfully submits that the new Claims 21-40 do not contain new matter. Applicant further respectfully submits that the amendments to the Claims do not contain new matter.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

**I. THE EXAMINER'S OBJECTION TO THE OATH OR DECLARATION:**

The Examiner asserts that the Oath or Declaration "is defective" because:

"It does not identify the provisional application which priority is claimed under 35 USC Section

119(e) and any provisional application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing."

Applicant respectfully submits that the Oath or Declaration filed with the present application is not defective. Applicant further submits that the Oath or Declaration filed with the present application is in compliance with 37 C.F.R. 1.67. The Oath or Declaration filed in the present application, on February 19, 2002, is contained on Form PTO/SB/01 which form was approved for use through 10/31/2002. The filing date of the present application is February 19, 2002 which was within the time period of the approved use of the above-identified Form PTO/SB/01. Applicant respectfully submits that Form PTO/SB/01 does not provide for, and makes no provision for, the claiming of priority to U.S. Provisional Applications. A copy of the originally filed Declaration is submitted herewith for the Examiner's convenience.

Applicant respectfully submits that priority to U.S. Provisional Application Serial No. 60/271,658, filed on February 27, 2001, was properly claimed by Applicant by Applicant including the priority claim in the "RELATED

APPLICATIONS" section on page 1, lines 2-8, of the Specification of the above-identified application.

In view of the foregoing, Applicant respectfully submits that the Oath or Declaration filed in the above-identified application is not defective. Applicant further respectfully submits that the Oath or Declaration filed in the above-identified application is in compliance with 37 C.F.R. 1.67. In view of the above, Applicant respectfully requests that the Examiner's objection to the Oath or Declaration be withdrawn.

**II. THE 35 U.S.C. §102 and §103 REJECTIONS:**

The Examiner asserts that Claims 1-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Posa, et al., U.S. Patent No. 6,633,741, based on provisional application no. 60/219,381, filed on July 19, 2000 (Posa), in view of Winksy, et al., U.S. Patent No. 5,774,109 (Winksy). The Examiner asserts that Claim 20 is rejected under 35 U.S.C. §102(b) as being anticipated by Reynolds, et al., WO98/18086 (Reynolds).

As noted above, Applicant has cancelled Claims 1-20, without prejudice, and Applicant has added new Claims 21-40. Applicant respectfully submits that the new Claims 21-40 do not contain new matter. Applicant further respectfully submits that the amendments to the Claims do not contain new matter.

**IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-40, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 21-40, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Posa, Winksy, Reynolds, and any combination of same.

Applicant respectfully submits that Posa, Winksy, Reynolds, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and, therefore, Posa, Winksy, Reynolds,

and any combination of same, do not disclose or suggest all of the features of independent Claim 21.

Applicant respectfully submits that Posa, Winksy Reynolds, and any combination of same, do not disclose or suggest an electronic book apparatus, comprising a processing device, wherein the processing device processes a reading termination instruction, and further wherein the processing device terminates a presentation of the book information in response to the reading termination instruction, and further wherein the processing device identifies and stores information regarding a first location in the book information where the presentation of the book information is terminated, and further wherein a subsequent presentation of the book information commences from a second location in the book information, wherein the subsequent presentation of the book information includes a re-presentation of an amount of book information previously presented to the user, and further wherein the amount of the re-presentation of book information previously presented to the user is programmably selected by the user, all of which features are specifically recited features of independent Claim 21.

Applicant respectfully submits that Posa, Winksy

Reynolds, and any combination of same, do not disclose or suggest the recited processor, wherein the amount of the re-presentation of book information previously presented to the user is programmably selected by the user. Posa, Winsky Reynolds, and any combination of same, do not disclose or suggest the recited amount of the re-presentation of book information previously presented to the user being programmably selected by the user.

In view of the foregoing, Applicant respectfully submits that Posa, Winsky, Reynolds, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21 and, therefore, Posa, Winsky, Reynolds, and any combination of same, do not disclose or suggest all of the features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Posa, Winsky, Reynolds, and any combination of same. In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art. Allowance of independent Claim 21 is, therefore, respectfully requested.

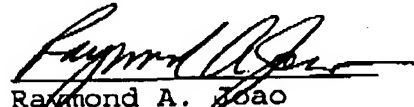
Applicant further submits that Claims 22-40, which Claims 22-40 depend either directly or indirectly from independent Claim 21, so as to include all of the limitations of independent Claim 21, are also patentable over the prior art as said claims 22-40 depend from allowable subject matter. As noted above, Posa, Winksy, Reynolds, and any combination of same, do not disclose or suggest all of the features of independent Claim 21. Since each of Claims 22-40 incorporate all of the limitations of independent Claim 21, Applicant further submits that Posa, Winksy, Reynolds, and any combination of same, do not disclose or suggest all of the features of each of the dependent Claims 22-40.

In view of the foregoing, Applicant respectfully submits that dependent Claims 22-40 are patentable over Posa, Winksy, Reynolds, and any combination of same. Allowance of Claims 22-40 is, therefore, respectfully requested.

**III. CONCLUSION:**

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-40 is respectfully requested.

Respectfully Submitted,

  
Raymond A. Joao  
Reg. No. 35,907

Encls.: - Copy of Declaration filed February 19, 2001  
- Abstract of the Disclosure

December 13, 2004

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992